

1
2
3
4
5
6
7 GERALD H. STOLP,
8 Plaintiff,
9 v.
10 PEOPLE OF THE STATE OF
11 CALIFORNIA,
12 Defendant.

Case No. 16-cv-00498-JD

ORDER

13 This pro se habeas action was initiated when petitioner filed a motion for a stay. On that
14 same day the Court notified petitioner that he needed to file a petition and a blank petition was
15 sent to him. Petitioner was informed that if he did not submit a petition within twenty-eight days
16 the case would be dismissed. No petition has been received. Without an underlying petition or
17 case and controversy, the Court cannot rule on the motion to stay. The Court notes that based on
18 petitioner's filing it appears that the expiration of the statute of limitations is near. Therefore,
19 petitioner will be provided another opportunity to file a petition.

20 Moreover, it is not clear if this is the correct venue. It appears that petitioner was
21 convicted in Calaveras County, which is in the Eastern District of California. When petitioner
22 files a petition he must indicate the county where his conviction occurred. Petitioner will be
23 provided until **May 23, 2016**, to file a petition.

24 **IT IS SO ORDERED.**

25 Dated: April 19, 2016

26
27
28 
JAMES DONATO
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERALD H. STOLP,
Plaintiff

V.

PEOPLE OF THE STATE OF
CALIFORNIA,
Defendant.

Case No. 16-cv-00498-JD

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 19, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Gerald H. Stolp ID: ID: AK4738
California Correctional Institution
P.O. Box 1902
Tehachapi, CA 93581

Dated: April 19, 2016

Susan Y. Soong
Clerk, United States District Court

By: Lisa R. Clark
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO